IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6935 OF 2006

Ramkumar Jalan Public
Charitable Trust .. Petitioner.
Vs.
Rolex Marble & Anr. .. Respondents.

Mr.Jitendra G.Damani for the petitioner.
Mr.R.M.Pandane for respondent no.1.
Ms.Dabhade for respondent no.2.

CORAM : D.B.BHOSALE, J.

DATED : 18TH OCTOBER, 2006

P.C.:

. Heard learned counsel for the parties.

2. Rule, returnable forthwith. By consent of the parties taken up for final hearing. Mr.Pandane, learned counsel waives service for respondent no.1 and Ms.Dabhade, learned counsel waives service for respondent no.2.

3. The learned counsel for the parties have fairly stated that I need not record the reasons for disposing of this writ petition and in the interest of justice they agreed for the following order:

. The order dated 22.9.2006 closing cross

examination of P.W.1 and the evidence of petitioner-defendant no.2 is quashed and set aside. The petitioner is allowed to cross examine P.W.1. The respondent-plaintiff shall make the witness available for his cross examination on the next date of hearing. I am informed that the next date of hearing is 3.11.2006. The petitioner shall complete cross examination of the witness either on the same date or in any case within two weeks therefrom as per convenience of the court. It is also open for the respondent-plaintiff to examine any other witness, if he so desires. The court shall also allow the petitioner to examine his witness/es. The recording of evidence be completed as far as possible by the end of December, 2006. The suit be decided within timeframe already fixed by this court.

. With these observations the Rule is disposed of.

(D.B.Bhosale, J.)